IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1650 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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FAKIR MOHEMED ABDULBHAI VOHRA - Appellant(s)
Versus
GUJARAT STATE ROAD TRANSPORT CORPORATION & 1 - Defendant(s)

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Appearance :

MR KH BAXI for Appellant(s) : 1,
None for Respondent : 1,
Respondent: 2 deleted

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 11/07/2007

ORAL JUDGMENT

Shri K.H. Baxi, learned counsel for the appellant; none for the respondent no.1 though served; name of respondent no.2 has already been

deleted.

2. The appellant-Fakir Mohemed Abdulbhai Vohra, being partly aggrieved by the award dated 25th November, 1984 passed by the learned M.A.C.Tribunal [Aux.], Kheda in M.A.C. Petition No.84 of 1983 is before this Court with a submission that the learned Tribunal erred in not awarding proper compensation to the appellant.

3. None appears for the respondent no.1 nor anybody informs this Court that the respondents have challenged the award either by filing Cross Objections or Cross Appeal. In view of these facts, I will be justified in holding that nobody is challenging the rashness and negligence nor anybody challenges the findings relating to liability of the respondents. Only question for consideration would be that whether the appellant would be entitled to enhancement to the tune of Rs. 16,500/- or not.

4. From the facts of the case, it would appear that the petitioner, a small vendor, as a result of the accident had suffered amputation of his left hand. The Tribunal had awarded a sum of Rs. 25,000/- only. In the opinion of this Court, this amount of Rs. 25,000/- is on too low a side. When, a man looses his hand, he has to suffer its trauma and trouble for whole of the life. Pain and suffering of such man can be visualized only by a person who has suffered the same. Amputation makes a man crippled forever

and such person would always suffer with a complex that he is unfit in the life. Under the circumstances, the Tribunal should have awarded a sum of Rs. 50,000/- under the said head. However, as the claimant has confined his claim to Rs. 16,500/- only, I award that much of the amount in favour of the claimant-appellant.

5. In addition to the amount awarded by the learned Tribunal, the appellant would be entitled to a sum of Rs. 16,500/- with 9% interest per annum from the date of the application till the date of realization.

6. The appeal is allowed. No costs.

[R.S. GARG, J.]

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